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Keigo Nakamura

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SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER

VIZVARY, GERALD C

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/772,923	Applicant(s) NAKAMURA, KEIGO	
	Examiner GERALD C. VIZVARY	Art Unit 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/23/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/6/2008</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In the amendment filed 10/23/2008, the following has occurred: claims 1 & 12 have been amended. Now, claims 1-17 are presented for examination.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 11/6/2008 was considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4 & 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosen 7,269,256 B2

As per claim 1 (Currently Amended), Rosen 7,269,256 B2 discloses an electronic money system comprising a settlement terminal for receiving and executing a request for settlement processing with at least one sort of electronic money ("As will be

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understood, a money module may be embodied as a modular component of any larger processing environment while still performing the same functions. For example, Transaction money modules 4 may work as co-processors embedded in personal portable computing devices like the Hewlett-Packard 95LX, or as co-processors in mainframe computers, workstations, point-of-sale terminals or telephone devices (fixed or portable) connected to a network.” Rosen 7,269,256 B2 col. 11 lines 56-65), and a mobile terminal including electronic money storage means for storing and holding the mounts available of a plurality of various sorts of the electronic money, said mobile terminal transmitting a request for settlement processing with the electronic money in dependency upon said settlement terminal (“In the preferred embodiment, the external system or device will typically contain data display means, data input means, data processing means, memory storage means, direct connection or contactless bidirectional communications means, and the money module packaged in a tamper-proof housing, all interfaced by suitable means for information transfer, such as are well known in the art. Rosen 7,269,256 B2 col. 11 lines 50-56);

said system further comprising means for accepting an exchange rate inquiry processing from said mobile terminal to transmit an exchange rate between two or more sorts of the electronic money, at least including said one sort of the electronic money, to said mobile terminal (“Subscriber to Subscriber Foreign Exchange: Referring to FIG. 46, the process flow for an exchange of foreign currencies between two Transaction money modules 4 will now be illustrated. In this example Alice (or a hypothetical corporation, denoted "A" in FIGS. 46-46A) agrees to exchange dollars for pounds with Bob (or a

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hypothetical corporation, denoted "B" in FIGS. 46-46A). The Exchange rate that they have agreed to will be a ratio of dollars to pounds (Step 300)." Rosen 7,269,256 B2 col. 51 lines 38-46);

and

means for updating, on accepting an exchange execute request including the information on the exchange amount with any one sort of the electronic money before exchange or after exchange from said mobile terminal, the amount available of the various sorts of the electronic money in said electronic money storage means of said mobile terminal, based on said exchange rate and on said exchange execute request ("The Note Directory application 39 updates the current amount of electronic notes 11 (both currency and credit), after every transfer. A date-of-expiration, a note identification number and an Issuing Bank identifier is also recorded with the location of each note 11." Rosen 7,269,256 B2 col. 114 line 67-col. 115, line 3);

wherein said exchange rate between said two or more sorts of the electronic money at least including said one sort of the electronic money is adjusted in dependency upon the exchange amount. ("Referring to FIG. 46, the process flow for an exchange of foreign currencies between two Transaction money modules 4 will now be illustrated. In this example Alice (or a hypothetical corporation, denoted "A" in FIGS. 46-46A) agrees to exchange dollars for pounds with Bob (or a hypothetical corporation, denoted "B" in FIGS. 46-46A). The exchange rate that they have agreed to will be a ratio of dollars to pounds (Step 300)." Rosen 7,269,256 B2 col. 51 lines 39-46)

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As per claim 2 (Original), Rosen 7,269,256 B2 discloses an electronic money system as defined in claim 1 wherein a plurality of electronic money exchange servers are provided;

said mobile terminal performing inquiry processing for inquiring at each of said electronic money exchange servers as to whether or not one sort of the electronic money selected from the plural sorts of the electronic money stored and held in said electronic money storage means is exchangeable with another sort of the electronic money ("Network Servers 26 may provide the money module services described below, and gateway services to the local networks 16, 17, 18. The application functions of the preferred embodiment of the Network Server 26 are shown in the block diagram of FIG.

8. The following application functions are contemplated for the Network Server 26: Rosen 7,269,256 B2 col. 20 lines 30-35);

each of said electronic money exchange servers responding to said inquiry processing; said mobile terminal executing said exchange rate inquiry processing to the electronic money exchange server which has made an affirmative reply to said inquiry processing. ("For example, Transaction money modules 4 may work as co-processors embedded in personal portable computing devices like the Hewlett-Packard 95LX, or as co-processors in mainframe computers, workstations, point-of-sale terminals or telephone devices (fixed or portable) connected to a network. Rosen 7,269,256 B2 col. 11 lines 59-65)

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As per claim 4 (Original), Rosen 7,269,256 B2 discloses an electronic money system as defined in claim 1 wherein said one sort of the electronic money is the electronic money proper to a network of said settlement terminal ("If funds are sufficient, then Pay/Exchange A passes the amount to the money holder (step 1810). The notes are then transferred from A to B (step 1812). Finally, the transaction money modules commit (step 1814)." Rosen 7,269,256 B2 col. 93 lines 14-17); and

wherein said electronic money exchange server(s) changes the exchange rate in dependency upon the sort of the electronic money exchanged and the exchange amount. ("If funds are sufficient, then Pay/Exchange A passes the amount to the money holder (step 1810). The notes are then transferred from A to B (step 1812). Finally, the transaction money modules commit (step 1814)." Rosen 7,269,256 B2 col. 93 lines 14-17)

As per claim 12 (Currently Amended), Rosen 7,269,256 B2 discloses an electronic money exchange server for exchange from one sort of the electronic money to another in an electronic money system including a settlement terminal for receiving and executing a request for settlement processing with at least one sort of electronic money ("As will be understood, a money module may be embodied as a modular component of any larger processing environment while still performing the same functions. For example, Transaction money modules 4 may work as co-processors embedded in personal portable computing devices like the Hewlett-Packard 95LX, or as co-processors in mainframe computers, workstations, point-of-sale terminals or telephone

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devices (fixed or portable) connected to a network.” Rosen 7,269,256 B2 col. 11 lines 56-65), and

a mobile terminal including electronic money storage means for storing and holding a plurality of various sorts of the electronic money, said mobile terminal transmitting a request for settlement processing with the electronic money in agreement with said settlement terminal (“In the preferred embodiment, the external system or device will typically contain data display means, data input means, data processing means, memory storage means, direct connection or contactless bidirectional communications means, and the money module packaged in a tamper-proof housing, all interfaced by suitable means for information transfer, such as are well known in the art. Rosen 7,269,256 B2 col. 11 lines 50-56);

said electronic money exchange server comprising means for transmitting an exchange rate between two or more sorts of the electronic money, at least including said one sort of the electronic money, to said mobile terminal, in case exchange rate inquiry processing is performed from said mobile terminal (“Subscriber to Subscriber Foreign Exchange: Referring to FIG. 46, the process flow for an exchange of foreign currencies between two Transaction money modules 4 will now be illustrated. In this example Alice (or a hypothetical corporation, denoted "A" in FIGS. 46-46A) agrees to exchange dollars for pounds with Bob (or a hypothetical corporation, denoted "B" in FIGS. 46-46A); and means for updating, on accepting an exchange execute request, including the information on the exchange amount by one sort of the electronic money before exchange or after exchange, from said mobile terminal, the amount available of the

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various sorts of the electronic money in said electronic money storage means of said mobile terminal, based on said exchange rate and on said exchange execute request ("The Note Directory application 39 updates the current amount of electronic notes 11 (both currency and credit), after every transfer. A date-of-expiration, a note identification number and an Issuing Bank identifier is also recorded with the location of each note 11." Rosen 7,269,256 B2 col. 114 line 67-col. 115, line 3);

wherein said exchange rate between said two or more sorts of the electronic money at least including said one sort of the electronic money is adjusted in dependency upon the exchange amount. ("When the funds are sufficient to meet the amount requested, the Pay/Exchange A 35 sends the amount of the dollars and the proposed dollar/pound exchange rate (Step 316) to the To Subscriber application 33 of Transaction money module B 4 using the Steps 2-8 (see FIG. 46A). At this point, To Subscriber B 33 prompts Bob with the amount and rate proposed by Alice, to determine if the values are what Bob will agree to exchange (Step 322)." Rosen 7,269,256 B2 col. 52, lines 5-12)

As per claim 13 (Original), Rosen 7,269,256 B2 discloses an electronic money system as defined in claim 12, wherein:

said various sorts of the electronic money includes at least the electronic money in terms of "yen" and the electronic money in terms of the foreign currency;

said electronic money exchange server(s) changing the exchange rate between the electronic money in terms of "yen" and the electronic money in terms of the foreign currency in dependency upon the exchange amount.

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This is further explained in Rosen by ("Notably, an Issuing Bank 1 may also be a Correspondent Bank 2 for the monetary units that it does not generate. For example, an Issuing Bank 1 for electronic dollar notes 11 may be a Correspondent Bank 2 for electronic notes 11 of yen, marks, etc., issued by other banks." Rosen 7,269,256 B2 col. 72 lines 25-31)

As per claim 14 (Original), Rosen 7,269,256 B2 discloses an electronic money exchange server as defined in claim 12 wherein said one sort of the electronic money is the electronic money proper to a network of the settlement terminal; and wherein the exchange rate is changed in dependency upon the sort of the electronic money exchanged and the exchange mount. ("Because it is contemplated that an electronic note 11 will be fungible, i.e., it can be broken into any desired amount, the amount transacted between the Transaction, money modules 4 may be of any amount up to the amount stored in the payer's Transaction money module 4. " Rosen 7,269,256 B2 col. 8, lines 14-18)

As per claim 15 (Original), Rosen 7,269,256 B2 discloses an electronic money exchange server as defined in claim 12 wherein said one sort of the electronic money is the electronic money proper to a network of the settlement terminal; and wherein the exchange rate is changed in dependency upon the sort of the electronic money exchanged and the exchange amount. ("Because it is contemplated that an electronic note 11 will be fungible, i.e., it can be broken into any desired amount, the amount

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transacted between the Transaction, money modules 4 may be of any amount up to the amount stored in the payer's Transaction money module 4. “ Rosen 7,269,256 B2 col. 8, lines 14-18)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 5-11, 16 & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen 7,269,256 B2 in view of Sandhu US 6,347,307 B1.

As per claim 3 (Original), Rosen 7,269,256 B2 discloses an electronic money system as defined in claim 1, wherein:

said various sorts of the electronic money includes at least the electronic money in terms of "yen" and the electronic money in terms of the foreign currency (“Referring to FIG. 67, MM To Subscriber A prompts trusted agent A for the amount of payment by type of note (e.g., dollars, yen, pounds, etc.) (step 558).” Rosen 7,269,256 B2 col. 72 lines 25-27);

Rosen 7,269,256 B2 fails to explicitly teach that said electronic money exchange server(s) changing the exchange rate between the electronic money in terms of "yen"

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and the electronic money in terms of the foreign currency in dependency upon the exchange amount.

Sandhu US 6,347,307 B1 teaches "The present invention provides a system and method that enables users, such as "Members" (e.g., institutional investors) and "Providers" (e.g., financial institutions), to engage in capital market transactions, including the trading of Over-the-Counter financial products, via the Internet (including the World Wide Web).

Sandhu US 6,347,307 B1 further explains "The system includes a variety of servers, applications, and interfaces that enable users to interactively communicate and trade financial instruments among one another, and to manage their portfolios." (Sandhu US 6,347,307 B1 col. 2 lines 11-19)

As per claim 5 (Original), Rosen 7,269,256 B2, discloses an electronic money system as defined in claim 1.

Rosen 7,269,256 B2 fails to explicitly teach that two or more of electronic money exchange servers with different exchange rates are provided; and wherein said mobile terminal may select, based on said exchange rate, the electronic money exchange server to which said exchange execute request is transmitted.

Sandhu US 6,347,307 B1 teaches "The present invention provides a system and method that enables users, such as "Members" (e.g., institutional investors) and "Providers" (e.g., financial institutions), to engage in capital market transactions, including the trading of Over-the-Counter financial products, via the Internet (including

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the World Wide Web). The system includes a variety of servers, applications, and interfaces that enable users to interactively communicate and trade financial instruments among one another, and to manage their portfolios.” (Sandhu US 6,347,307 B1 col. 2 lines 11-19)

As per claim 6 (Original), Rosen 7,269,256 B2, discloses an electronic money system as defined in claim 2 wherein said various sorts of the electronic money includes at least the electronic money in terms of "yen" and the electronic money in terms of the foreign currency . (“Because it is contemplated that an electronic note 11 will be fungible, i.e., it can be broken into any desired amount, the amount transacted between the Transaction, money modules 4 may be of any amount up to the amount stored in the payer's Transaction money module 4. “ Rosen 7,269,256 B2 col. 8, lines 14-18).

Rosen 7,269,256 B2 fails to explicitly teach said electronic money exchange server(s) changing the exchange rate between the electronic money in terms of "yen" and the electronic money in terms of the foreign currency in dependency upon the exchange mount.

Sandhu US 6,347,307 B1 teaches “FX Rate”: the foreign exchange rate at which the trade will be executed. "Base Currency": the currency against which the currency to be acquired will be measured. (Sandhu US 6,347,307 B1 col. 11 lines 31-35 The XML definition of the FX Spot element is shown in col. 11, lines 46-64) and “The system includes a variety of servers, applications, and interfaces that enable users to

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interactively communicate and trade financial instruments among one another, and to manage their portfolios.” (Sandhu US 6,347,307 B1 col. 2 lines 11-19)

As per claim 7 (Original), Rosen 7,269,256 B2, discloses an electronic money system as defined in claim 2 wherein said one sort of the electronic money is the electronic money proper to a network of said settlement terminal (“Transaction money modules 4 may work as co-processors embedded in personal portable computing devices like the Hewlett-Packard 95LX, or as co-processors in mainframe computers, workstations, point-of-sale terminals or telephone devices (fixed or portable) connected to a network.” Rosen 7,269,256 B2 col. 11 lines 59-65).

Rosen 7,269,256 B2 fails to explicitly teach that said electronic money exchange server(s) changes the exchange rate in dependency upon the sort of the electronic money exchanged and the exchange amount.

Sandhu US 6,347,307 B1 teaches “a market data parser that can extract market data provided to the system, the market data including market interest rates or currency exchange rate.” (Sandhu US 6,347,307 B1 col. 53, lines 15-17)

As per claim 8 (Original), Rosen 7,269,256 B2, discloses an electronic money system as defined in claim 3 wherein said one sort of the electronic money is the electronic money proper to a network of said settlement terminal (“Transaction money modules 4 may work as co-processors embedded in personal portable computing devices like the Hewlett-Packard 95LX, or as co-processors in mainframe computers, workstations,

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point-of-sale terminals or telephone devices (fixed or portable) connected to a network.”

Rosen 7,269,256 B2 col. 11 lines 59-65);

Rosen 7,269,256 B2 fails to explicitly teach that said electronic money exchange server(s) changes the exchange rate in dependency upon the sort of the electronic money exchanged and the exchange amount.

Sandhu US 6,347,307 B1 teaches “A Foreign Exchange Spot ("FX Spot") transaction is one in which one party acquires a specified quantity of one currency in exchange for another currency from another party, to be paid or settled as soon as is standard (i.e., usually two days) in the foreign exchange market. For example, a Member buys from a Provider 2 million Euros for U.S. Dollars to be paid in two days.

The FX Spot element represents such a transaction and includes the following sub-elements and attributes:

"Dealt Amount": the specified amount of currency to be converted into the currency being acquired.

"Settled Amount": the amount of currency being acquired. Trade Date": the date on which the currency trade has been agreed to by the parties. (Sandhu US 6,347,307 B1 col. 11 lines 13-28)

As per claim 9 (Original), Rosen 7,269,256 B2, discloses an electronic money system as defined in claim 2.

Rosen 7,269,256 B2 fails to explicitly teach that two or more of electronic money exchange servers with different exchange rates are provided; and wherein said mobile

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terminal may select, based on said exchange rate, the electronic money exchange server to which said exchange execute request is transmitted.

Sandhu US 6,347,307 B1 teaches "Interactive communications supported by the system include: requesting price quotes, monitoring and reviewing quote requests, issuing price quotes, monitoring and reviewing price quotes, negotiation between Members and Providers, acceptance of price quotes, reporting, portfolio management, analysis of financial information and market data, calendaring, and communications among Members, Providers, and/or system administrators, including e-mail, chat, and message boards." (Sandhu US 6,347,307 B1 col. 2 lines 10-19)

As per claim 10 (Original), Rosen 7,269,256 B2, discloses an electronic money system as defined in claim 3.

Rosen 7,269,256 B2 fails to explicitly teach that two or more of electronic money exchange servers with different exchange rates are provided; and wherein said mobile terminal may select, based on said exchange rate, the electronic money exchange server to which said exchange execute request is transmitted.

Sandhu US 6,347,307 B1 teaches "Interactive communications supported by the system include: requesting price quotes, monitoring and reviewing quote requests, issuing price quotes, monitoring and reviewing price quotes, negotiation between Members and Providers, acceptance of price quotes, reporting, portfolio management, analysis of financial information and market data, calendaring, and communications

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among Members, Providers, and/or system administrators, including e-mail, chat, and message boards.” (Sandhu US 6,347,307 B1 col. 2 lines 10-19)

As per claim 11 (Original), Rosen 7,269,256 B2, discloses an electronic money system as defined in claim 4.

Rosen 7,269,256 B2 fails to explicitly teach that two or more of electronic money exchange servers with different exchange rates are provided; and wherein said mobile terminal may select, based on said exchange rate, the electronic money exchange server to which said exchange execute request is transmitted.

Sandhu US 6,347,307 B1 teaches “A Foreign Exchange Spot ("FX Spot") transaction is one in which one party acquires a specified quantity of one currency in exchange for another currency from another party, to be paid or settled as soon as is standard (i.e., usually two days) in the foreign exchange market. For example, a Member buys from a Provider 2 million Euros for U.S. Dollars to be paid in two days.

The FX Spot element represents such a transaction and includes the following sub-elements and attributes:

"Dealt Amount": the specified amount of currency to be converted into the currency being acquired.

"Settled Amount": the amount of currency being acquired. Trade Date": the date on which the currency trade has been agreed to by the parties. (Sandhu US 6,347,307 B1 col. 11 lines 13-28)

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Sandhu US 6,347,307 B1 further explains "The present invention also supports communications with the server side in an automated manner via an automated processor (the "Connect Processor" and "Connect Messaging Server")." (Sandhu US 6,347,307 B1 col. 2 lines 29-32)

As per claim 16 (Original), Rosen 7,269,256 B2, discloses a mobile terminal for use in the electronic money system as defined in claim 5.

Rosen 7,269,256 B2 fails to explicitly teach that said exchange rate inquiry processing is carried out to each electronic money exchange server; and wherein the electronic money exchange server with the highest exchange rate is selected; said exchange execute request being transmitted to the electronic money exchange server selected.

Sandhu US 6,347,307 B1 teaches "Interactive communications supported by the system include: requesting price quotes, monitoring and reviewing quote requests, issuing price quotes, monitoring and reviewing price quotes, negotiation between Members and Providers, acceptance of price quotes, reporting, portfolio management, analysis of financial information and market data, calendaring, and communications among Members, Providers, and/or system administrators, including e-mail, chat, and message boards." Sandhu US 6,347,307 B1 col. 2 lines 10-19) and "The present invention provides a system and method that enables users, such as "Members" (e.g., institutional investors) and "Providers" (e.g., financial institutions), to engage in capital market transactions, including the trading of Over-the-Counter financial products, via the Internet (including the World Wide Web). The system includes a variety of servers,

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applications, and interfaces that enable users to interactively communicate and trade financial instruments among one another, and to manage their portfolios. (Sandhu US 6,347,307 B1 col. 2 lines 19-28)

As per claim 17 (Original), Rosen 7,269,256 B2, discloses a mobile terminal for use in the electronic money system as defined in claim 5.

Rosen 7,269,256 B2 fails to explicitly teach that inquiry processing is carried out for inquiring at each electronic money exchange server as to whether or not a sort of the electronic money selected from plural sorts of the electronic money stored and held in said electronic money storage means of said mobile terminal is the electronic money exchangeable with another sort of the electronic money scheduled to be exchanged; the electronic money exchange server which has returned an affirmative reply to said inquiry processing is selected and the exchange rate inquiry processing is carried out to the electronic money exchange server selected; and wherein the electronic money exchange server with the highest exchange rate is selected and the exchange execute request is transmitted to the electronic money exchange server selected.

Sandhu US 6,347,307 B1 teaches "Interactive communications supported by the system include: requesting price quotes, monitoring and reviewing quote requests, issuing price quotes, monitoring and reviewing price quotes, negotiation between Members and Providers, acceptance of price quotes, reporting, portfolio management, analysis of financial information and market data, calendaring, and communications among Members, Providers, and/or system administrators, including e-mail, chat, and

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message boards.” (Sandhu US 6,347,307 B1 col. 2 lines 10-19) and “The present invention provides a system and method that enables users, such as "Members" (e.g., institutional investors) and "Providers" (e.g., financial institutions), to engage in capital market transactions, including the trading of Over-the-Counter financial products, via the Internet (including the World Wide Web). The system includes a variety of servers, applications, and interfaces that enable users to interactively communicate and trade financial instruments among one another, and to manage their portfolios. (Sandhu US 6,347,307 B1 col. 2 lines 19-28)

7. It would have been obvious to one of ordinary skill in the art to automate a user selected process. See *In re Venner*, 120 USPQ 192, 194; 262 F2d 91 (CCPA 1958)

8. Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself. That is in the substitution of automated selection of the exchange rates and the automated selection of optimal servers of Sandhu US 6,347,307 B1 for the user selections of Rosen 7,269,256 B2. Thus, the simple substitution of one known element for another producing a predictable result renders the claims obvious.

Response to Arguments

9. In the remarks filed on 6/6/2008, Applicant argues that:

(1) Examiner's argument concerning the rejection by 102(e) anticipation rejection of claim 13 conflicts with the 103(a) obviousness rejection of claim 3 since they both recite similar limitations.

(2) Rosen does not disclose the functionality of adjustment to the exchange rate between two or more sorts of electronic money including said one sort of the electronic money.

(3) Neither Sandhu nor Rosen discloses an electronic money system wherein various sorts of the electronic money include at least the electronic money in terms of "yen".

(4) Neither Sandhu nor Rosen alone or in combination disclose the adjusting of the exchange rate of the electronic money in dependency upon the exchange amount.

(5) Neither of the cited references, alone or in combination recite all the limitations of claims 1-17.

In response to argument (1), Examiner notes that claim 3 explicitly recites that the exchange is performed by electronic money exchange servers, thus further limiting a system claim, whereas claim 13 merely recites that the exchange takes place within the server previously described in the independent apparatus claim.

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In response to argument **(2)** Rosen discloses “Referring to FIG. 46, the process flow for an exchange of foreign currencies between two Transaction money modules 4 will now be illustrated. In this example Alice (or a hypothetical corporation, denoted "A" in FIGS. 46-46A) agrees to exchange dollars for pounds with Bob (or a hypothetical corporation, denoted "B" in FIGS. 46-46A). The exchange rate that they have agreed to will be a ratio of dollars to pounds (Step 300).” (Rosen 7,269,256 B2 col. 51 lines 39-46) thereby showing the exchange rates are negotiable by the users.

In response to argument **(3)** Rosen discloses “Notably, an Issuing Bank 1 may also be a Correspondent Bank 2 for the monetary units that it does not generate. For example, an Issuing Bank 1 for electronic dollar notes 11 may be a Correspondent Bank 2 for electronic notes 11 of yen, marks, etc., issued by other banks.” (Rosen 7,269,256 B2 col. 72 lines 25-31), thereby showing the exchange in any appropriate currency.

In response to argument **(4)**, as in argument (1), Rosen discloses “When the funds are sufficient to meet the amount requested, the Pay/Exchange A 35 sends the amount of the dollars and the proposed dollar/pound exchange rate (Step 316) to the To Subscriber application 33 of Transaction money module B 4 using the Steps 2-8 (see FIG. 46A). At this point, To Subscriber B 33 prompts Bob with the amount and rate proposed by Alice, to determine if the values are what Bob will agree to exchange (Step 322).” (Rosen 7,269,256 B2 col. 52, lines 5-12) thereby showing the exchange rates are negotiable by the users.

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In response to Applicant's argument **(5)**, it should be noted that *KSR* forecloses Applicant's arguments requiring a specific teaching, suggestion or motivation to combine the references since the intended functions of the references have not been changed and the combination would have yielded predictable results. Nevertheless, the prior art teaches the desirability of negotiating the terms of an exchange rate, and the selection of gateway services. It would have been obvious to one of ordinary skill in the art to automate a user selected process. See *In re Venner*, 120 USPQ 192, 194; 262 F2d 91 (CCPA 1958)

Conclusion

10. The following is prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Hiroya (JP-11-272785) teaches a device to enable a user to be paid with as advantageous currency exchange rate as possible in an electronic money processing device which can store electronic money of many different currencies.

Nakajima (JP-2002-109425) teaches an electronic money system that enables the purchase of inexpensive commodities electronically and a circulation system that makes it circulate through an electronic store, an electronic bank

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Hamada (JP-2002-288573) teaches a settlement system for issuing electronic money according to the payment from a customer.

11. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald C. Vizvary whose telephone number is 571-270-3268. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ella Colbert can be reached on 571-272-6741. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4268.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3696

Gerald Vizvary
Patent Examiner, A.U. 3696
March 29, 2009